

House File 361 - Enrolled

House File 361

AN ACT

RELATING TO THE APPOINTMENT OF A GUARDIAN AD LITEM, A CHILD CUSTODY INVESTIGATOR OR CHILD AND FAMILY REPORTER, OR AN ATTORNEY FOR CERTAIN CHILD CUSTODY AND VISITATION MATTERS, AND A GUARDIAN AD LITEM FOR CERTAIN CHILD PROSECUTION WITNESSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 600B.40, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The court may order the appointment of a guardian ad litem or attorney for a child, a child custody investigator, or a child and family reporter consistent with the provisions of sections 598.12, 598.12A, and 598.12B.

Sec. 2. Section 915.37, subsection 1, Code 2021, is amended to read as follows:

1. a. A prosecuting witness who is a child, ~~as defined in section 702.5,~~ in a case involving a violation of chapter 709 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child's interests with the prospective guardian ad litem. If a guardian ad litem has previously been appointed for the child in a proceeding

under [chapter 232](#) or a proceeding in which the juvenile court has waived jurisdiction under [section 232.45](#), the court shall appoint the same guardian ad litem under [this section](#). The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court. ~~If a prosecuting witness is fourteen, fifteen, sixteen, or seventeen years of age, and would be entitled to the appointment of a guardian ad litem if the prosecuting witness were a child, the court may appoint a guardian ad litem if the requirements for guardians ad litem in [this section](#) are met, and the guardian ad litem agrees to participate without compensation.~~

b. For purposes of this subsection, "child" means a person under eighteen years of age.

PAT GRASSLEY
Speaker of the House

JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 361, Eighty-ninth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2021

KIM REYNOLDS
Governor